

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, *ex rel.*,
JO ANN DE POALO AND
MELISSA OTTENSTEIN, and

STATE OF NEW YORK, *ex rel.*,
JO ANN DE POALO AND
MELISSA OTTENSTEIN,

Plaintiffs/Relators,

v.

BON SECOURS HEALTH SYSTEM,
INC., BON SECOURS NEW YORK
HEALTH SYSTEM, INC., SCHERVIER
NURSING CARE CENTER, SCHERVIER
LONG TERM HOME HEALTH CARE
PROGRAM, AND FRANCES SCHERVIER
HOME AND HOSPITAL,

Defendants.

**NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO
F.R.C.P. 41(a)(1)(A)(i)**

Case No.: 13-CIV-8792 (RMB)

**FILED UNDER SEAL
PURSUANT TO 31 U.S.C. §3729 et.seq.**

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P 41(a)(1)(A)(i)

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Relators Jo Ann De Poalo and Melissa Ottenstein, through counsel, hereby give notice that the above captioned action is voluntarily dismissed, without prejudice, as to all claims brought on behalf of Relators Jo Ann De Poalo and Melissa Ottenstein against Defendants Bon Secours Health System, Inc., Bon Secours New York Health System, Inc., Schervier Nursing Care Center, Schervier Long Term Home Health Care Program, and Frances Schervier Home and Hospital. This Notice of Voluntary Dismissal has no application or prejudice to any claims on behalf of the United States or the State of New York. *See e.g.*, 31 U.S.C. § 3731(c); N.Y. State Finance Law § 190(5)

(“Under no circumstances shall the state or a local government be bound by an act of the person bringing the original action.”).

DATED THIS 22nd day of September, 2015.

Respectfully submitted,

/S/Robert B. Boyers

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document is being electronically filed with the Clerk of Court's using the CM/ECF system this 22nd day of September, 2015, which will send a Notice of Electronic Filing (NEF) to the individuals indicated on the attached Service List.

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